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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/941,857	08/30/2001	Franco Montebovi	006559.00021	7547
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BANNER & WITCOFF, LTD. 1100 13th STREET, N.W. SUITE 1200 WASHINGTON, DC 20005-4051			EXAMINER GAUTHIER, GERALD	
			ART UNIT 2614	PAPER NUMBER
			MAIL DATE 11/27/2007	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

09/941,857

Applicant(s)

MONTEBOVI, FRANCO

Examiner

Gerald Gauthier

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 02 November 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-9 and 11-15 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-9 and 11-15 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 112

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. **Claim(s) 1** recites the limitation "the mobile telecommunication device" in line 6.

There is insufficient antecedent basis for this limitation in the claim.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

5. **Claim(s) 1-9 and 11** are rejected under 35 U.S.C. 103(a) as being unpatentable over Smethers (US 6,463,304 B2) in view of Honda (US 2002/0032745 A1).

Regarding **claim(s) 1**, Smethers discloses an apparatus comprising a housing, a display screen mounted in the housing, a plurality of keys mounted on the housing and individually depressible for performing telephony operations, radio circuitry, and a processor configured to provide a browser for navigating between different pages stored remotely of the mobile telecommunication device and displaying information therefrom on the display screen (FIG. 3A-3C and column 5, line 61 to column 6, line 50).

Smethers fails to disclose an individual key of said plurality of keys is operable in a first mode comprising a first user depression sequence pattern of said individual key to navigate between previously visited pages.

However, Honda teaches wherein an individual key of said plurality of keys is configured to operate in a first mode comprising a first depression sequence pattern of said individual key to navigate between previously visited pages and said individual key further being configured to operate in a second mode comprising a second depression sequence pattern of said individual key to provide a display of previously visited pages to permit the selection a page from the display of previously visited pages and the navigation directly thereto (paragraphs 0047).

Therefore, it would have been obvious to one of the ordinary skill in the art at the time the invention was made to modify the invention of Smethers using the teaching of viewing recently viewed pages as taught by Honda.

This modification of the invention enables the system to have an individual key of said plurality of keys is operable in a first mode comprising a first user depression

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sequence pattern of said individual key to navigate between previously visited pages so that the user would have the advantage of seeing previous data.

Regarding **claim(s) 2**, Smethers discloses an apparatus, wherein the key is operable to navigate backwards through previously visited pages (column 4, lines 1-13).

Regarding **claim(s) 3**, Smethers discloses an apparatus, wherein the key is operable to navigate forwardly through previously visited pages (column 4, lines 1-13).

Regarding **claim(s) 4**, Smethers discloses an apparatus, wherein the first and second modes are selected by operating the key for relatively shorter and longer periods respectively (column 4, lines 19-41).

Regarding **claim(s) 5**, Smethers discloses an apparatus, including a scrolling key operable to scroll a focus region through the display of previously visited pages for selecting one of the pages (column 6, lines 23-30).

Regarding **claim(s) 6**, Smethers discloses an apparatus, including a further key for selecting a page from the previously visited pages display and so as to navigate directly then to (column 4, lines 19-41).

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Regarding **claim(s) 7**, Smethers discloses an apparatus and comprising a mobile telephone handset (column 3, lines 22-35).

Regarding **claim(s) 8**, Smethers discloses an apparatus and comprising a PDA (column 3, lines 22-35).

Regarding **claim(s) 9**, Smethers discloses an apparatus, wherein the display of the previously visited pages comprising a display of the previously visited pages whereby to permit the user to select one of the previously visited pages and navigate directly thereto (column 6, lines 23-30).

Regarding **claim(s) 11**, Smethers discloses an apparatus, which is WAP enabled (column 3, lines 22-35).

6. **Claim(s) 12-15** are rejected under 35 U.S.C. 103(a) as being unpatentable over Ishigaki (US 2001/0017855 A1) in view of Honda (US 2002/0032745 A1).

Regarding **claim(s) 12**, Ishigaki discloses a method of configuring a browser to operate in an apparatus, including configuring an individual key of the device to operate in a first mode to navigate between previously visited pages (paragraph 0096).

Ishigaki fails to disclose configuring the individual key to operate in a second mode to provide a display of previously visited homepages.

However, Honda teaches configuring the individual key to operate in a second mode to provide a display of previously visited homepages and to select one of the pages from the display of previously visited homepages to navigate directly thereto (paragraphs 0047).

Therefore, it would have been obvious to one of the ordinary skill in the art at the time the invention was made to modify the invention of Ishigaki using the teaching of viewing recently viewed pages as taught by Honda.

This modification of the invention enables the system to have an individual key of said plurality of keys is operable in a first mode comprising a first user depression sequence pattern of said individual key to navigate between previously visited pages so that the user would have the advantage of seeing previous data.

Regarding **claim(s) 13**, Ishigaki discloses An apparatus comprising a browser configured to permit navigation between different network addresses and display information therefrom, and a key configured to operate in a first mode to navigate between previously visited network addresses (paragraph 0096).

Ishigaki fails to disclose configured to operate in a second mode to provide a display of previously visited homepages.

However, Honda teaches configured to operate in a second mode to provide a display of previously visited homepages to permit the selection of a homepage from the

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previously visited homepages display and the navigation directly thereto (paragraphs 0047).

Therefore, it would have been obvious to one of the ordinary skill in the art at the time the invention was made to modify the invention of Ishigaki using the teaching of viewing recently viewed pages as taught by Honda.

This modification of the invention enables the system to have an individual key of said plurality of keys is operable in a first mode comprising a first user depression sequence pattern of said individual key to navigate between previously visited pages so that the user would have the advantage of seeing previous data.

Regarding **claim(s) 14**, Ishigaki discloses an apparatus including a key to scroll a focus region between suitable menu options displayed on the browser, to permit navigation between different network addresses (paragraph 0096).

Regarding **claim(s) 15**, Ishigaki discloses a method, wherein the first mode includes pressing the key for a first period of time and the second mode includes pressing the key for a second period of time, the second period of time greater than the first period of time (paragraph 0096).

Response to Arguments

7. Applicant's arguments with respect to **claim(s) 1-9 and 11-15** have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

8. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gerald Gauthier whose telephone number is (571) 272-7539. The examiner can normally be reached on 8:00 AM to 4:30 PM.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Fan Tsang can be reached on (571) 272-7547. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Gerald Gauthier/
Primary Examiner
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GG
November 15, 2007